

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC DEWAYNE HATTON,

No. 2:22-cv-02143 KJM DB P

Plaintiff,

v.

FINDINGS AND RECOMMENDATIONS

SACRAMENTO SHERIFF'S
DEPARTMENT,

Defendant.

Plaintiff, a former¹ county inmate, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that deputies at the Sacramento County Main Jail delayed providing him with food for several hours during another inmate's emergency, and then served him cold food that contained the other inmate's urine. (ECF No. 1 at 3.) Plaintiff filed a motion

¹ Records indicate that plaintiff is no longer an inmate in the custody of Sacramento County. See <https://www.sacsheriff.com/InmateInformation/SearchNames.aspx> (inmate locator website operated by the Sacramento County Sheriff's Department). This court may take judicial notice of such information. Louis v. McCormick & Schmick Restaurant Corp., 460 F. Supp. 2d 1153, 1155 fn.4 (C.D. Cal. 2006) (court may take judicial notice of state agency records); Pacheco v. Diaz, No. 1:19-cv-0774 SAB (PC), 2019 WL 5073594, at *2 (E.D. Cal. Sept. 4, 2019) (court may take judicial notice of the California Department of Corrections and Rehabilitation's inmate locator system).

1 to proceed in forma pauperis, but the certificate portion of the in forma pauperis application had
2 not been filled out and signed by an authorized jail official. (ECF No. 2.) On January 17, 2023,
3 the court ordered plaintiff to file a fully completed in forma pauperis application or to pay the full
4 filing fee within thirty days. (ECF No. 8.) Plaintiff subsequently filed another motion to proceed
5 in forma pauperis, but the certificate portion of the new in forma pauperis application had again
6 not been filled out and signed by an authorized prison official. (ECF No. 9.) On March 21, 2023,
7 the court again ordered plaintiff to file a fully completed in forma pauperis application or to pay
8 the full filing fee within thirty days. (ECF No. 10.) Plaintiff was warned that failure to comply
9 with the court's order would result in a recommendation that this action be dismissed. (Id.)

10 Those thirty days have passed, and plaintiff has not filed a fully completed in forma
11 pauperis application or paid the filing fee. The court's March 21, 2023, order was returned as
12 undeliverable. However, pursuant to Local Rule 182(f), service of documents at the record
13 address of the party is fully effective. Therefore, the undersigned will recommend this action be
14 dismissed without prejudice.

15 For the foregoing reasons, IT IS RECOMMENDED that:

16 1. This action be dismissed without prejudice; and
17 2. The Clerk of the Court be directed to close this case.

18 These findings and recommendations are submitted to the United States District Judge
19 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty (20) days
20 after being served with these findings and recommendations, plaintiff may file written objections
21 with the court and serve a copy on all parties. Such a document should be captioned
22 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
23 failure to file objections within the specified time may waive the right to appeal the District
24 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

25 Dated: June 26, 2023